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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 CLINTON ROONEY, on behalf of
11 himself and all others similarly
12 situated,

13 Plaintiff,

14 v.

15 RITE AID CORPORATION,

16 Defendants.

Civil No. 14cv1249 JAH (NLS)

**ORDER FOLLOWING EARLY
NEUTRAL EVALUATION
CONFERENCE, SETTING RULE
26 COMPLIANCE, AND NOTICE
OF TELEPHONIC CASE
MANAGEMENT CONFERENCE**

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18 On August 28, 2014, the court convened an Early Neutral Evaluation Conference
19 in this action. The case did not settle. The court discussed compliance with Federal Rule
20 of Civil Procedure 26, and now **ORDERS:**

21 1. Counsel are ordered to appear **telephonically** on **October 10, 2014** at **9:30**
22 **a.m.** before Magistrate Judge Stormes for a Case Management Conference pursuant to
23 Federal Rule of Civil Procedure 16(b). Plaintiff's counsel shall initiate the telephonic
24 conference.

25 2. The Rule 26(f) conference shall be completed on or before **September 19,**
26 **2014.**

27 3. A Joint Discovery Plan shall be lodged with Magistrate Judge Stormes on or
28 before **September 29, 2014.** The Joint Discovery Plan shall address all points in the

1 attached Model Rule 26(f) Report and Joint Case Management Statement. (The date and
2 time for the CMC should be included in the caption of the Joint Discovery Plan.)


3 4. The date of initial disclosure pursuant to Rule 26(a)(1)(A-D) shall occur on
4 or before **October 3, 2014**.

5 Plaintiff's(s') counsel shall serve a copy of this order on all parties that enter the
6 case from this point forward. Each responsible attorney of record and all parties repre-
7 senting themselves shall participate in the conference. Represented parties need not
8 participate.

9 Failure of any counsel or party to comply with this order will result in sanctions.

10 **IT IS SO ORDERED.**

11 DATED: August 28, 2014

12 
13 Hon. Nita L. Stormes
14 U.S. Magistrate Judge
15 United States District Court
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: CASE MANAGEMENT

MODEL RULE 26(f) REPORT
AND JOINT CASE
MANAGEMENT STATEMENT

The parties shall include the following information in their Rule 26(f) report and joint case management statement, which shall be filed no later than seven (7) days before the Civil Local Rule 16.1 case management conference.¹ Except in unusually complex cases the statement should not exceed ten (10) pages.

1. **Jurisdiction and Service:** The basis for the court's subject matter jurisdiction over the plaintiff's claims and counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. **Facts:** A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. **Legal Issues:** A brief statement, without extended legal argument, of the

¹ Taken largely from the Standing Order for All Judges of the Northern District of California effective July 1, 2011 (Last Revised November 27, 2012).

- 1 disputed points of law, including reference to specific statutes and decisions.
- 2 4. **Motions:** All prior and pending motions, their current status, and any
- 3 anticipated motions.
- 4 5. **Amendment of Pleadings:** The extent to which parties, claims, or defenses
- 5 are expected to be added or dismissed and a proposed deadline for amending
- 6 the pleadings.
- 7 6. **Evidence Preservation:** A brief report certifying that the parties have met
- 8 and conferred pursuant to Fed.R.Civ.P. 26(f) regarding reasonable and
- 9 proportionate steps taken to preserve evidence relevant to the issues
- 10 reasonably evident in this action.
- 11 7. **Disclosures:** Whether there has been full and timely compliance with the
- 12 initial disclosure requirements of Fed.R.Civ.P. 26, and a description of the
- 13 disclosures made.
- 14 8. **Discovery:** Discovery taken to date, if any, the scope of anticipated
- 15 discovery, any proposed limitations or modifications of the discovery rules,
- 16 a brief report on whether the parties have agreed to a proposed Electronic
- 17 Discovery Order, a proposed Protective Order to govern the exchange of
- 18 confidential information, a proposed discovery plan pursuant to Rule 26(f),
- 19 and any identified discovery disputes.
- 20 9. **Class Actions:** If a class action, a proposal for how and when the class will
- 21 be certified.
- 22 10. **Related Cases:** Any related cases or proceedings pending before another
- 23 judge of this court, or before another court or administrative body.
- 24 11. **Relief:** All relief sought through complaint or counterclaim, including the
- 25 amount of any damages sought and a description of the bases on which
- 26 damages are calculated. In addition, any party from whom damages are
- 27 sought must describe the bases on which it contends damages should be
- 28 calculated if liability is established.

- 1 12. **Settlement and Mediation:** Prospects for settlement, settlement efforts to
2 date, and whether the parties have been to or are planning to go to private
3 mediation.
- 4 13. **Consent to Magistrate Judge for All Purposes:** Whether all parties will
5 consent to have a magistrate judge conduct all further proceedings including
6 trial and entry of judgment.
7 _____yes _____ no
- 8 14. **Other References:** Whether the case is suitable for reference to binding
9 arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.
- 10 15. **Narrowing of Issues:** Issues that can be narrowed by agreement or by
11 motion, suggestions to expedite the presentation of evidence at trial (e.g.
12 through summaries or stipulated facts), and any request to bifurcate issues,
13 claims, or defenses.
- 14 16. **Scheduling:** Proposed dates for fact discovery cutoff, expert designations
15 and exchange of expert reports, expert discovery cutoff, dispositive motions
16 cutoff (including Daubert motions), Markman hearing (in patent cases),
17 pretrial conference and trial.
- 18 17. **Trial:** Whether the case will be tried to a jury or to the court and the
19 expected length of trial.
- 20 18. **Disclosure of Non-party Interested Entities or Persons:** Whether each
21 party has filed the "Certification of Interested Entities or Persons" required
22 by Civil Local Rule 40.2. In addition, each party must restate in the case
23 management statement the contents of its certification by identifying any
24 persons, firms, partnerships, corporations (including parent corporations) or
25 other entities known by the party to have either : (I) a financial interest in the
26 subject matter in controversy or in a party to the proceeding; or (ii) any other
27 kind of interest that could be substantially affected by the outcome of the
28 proceeding.

1 19. Such other matters as may facilitate the just, speedy and inexpensive
2 disposition of this matter.

3 Dated: _____

Attorney for Plaintiff(s)

5 Dated: _____

Attorney for Defendant(s)